



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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September 19, 2012

Bill Granger
Senior Project Manager
Bluefield Holdings, Inc.
2505 Second Avenue, Suite 602
Seattle, WA 98121

RE: Ecology Denial for Section 401 Water Quality Certification for the Duwamish River Habitat Restoration Project, Seattle, King County, Washington

Dear Mr. Granger:

The U.S. Army Corps of Engineers (Corps) and the Department of Ecology (Ecology) issued a Joint Public Notice on September 20, 2011 for the above referenced project. Ecology has one year from the date of the Joint Public Notice to make a decision regarding the 401 Water Quality Certification. On September 6, 2012, Ecology sent you a letter explaining that there are two issues that need to be resolved before we can make our 401 decision. One of those issues is a completed SEPA determination. Since it was unlikely, at the time of our letter, that SEPA could be completed by our one year timeline and project design revisions were still needed, we indicated that a denial of your Water Quality Certification was imminent.

As of today, the SEPA process has not been completed and further discussion with the agencies is needed regarding the final design, therefore, pursuant to Section 401 of the Clean Water Act, ch. 90.48 RCW and ch. 173-201A WAC, the Duwamish River Habitat Restoration Project Water Quality Certification is denied without prejudice.

Receipt of a denial without prejudice does not preclude Bluefield Holdings, Inc. from resubmitting a request for 401 Certification at a later date.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:


- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

| Street Addresses | Mailing Addresses |
|--|---|
| Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 | Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 |
| Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501 | Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903 |

SIGNATURE


Erik Stockdale, Wetlands/401 Unit Supervisor
Shorelands and Environmental Assistance Program

9-18-12
September 19, 2012

ES:rip:cja

By certified mail: 7011 0470 0003 3721 0004

cc: Jacalen Printz, U.S. Army Corps of Engineers
Glenn Grette, Grette Associates, LLC
Joe Miles, Washington Department of Natural Resources
Laura Arber, Washington Department of Fish and Wildlife
Ravi Sanga, U.S. Environmental Protection Agency
Erika Hoffman, U.S. Environmental Protection Agency

e-cc: Joe Burcar – NWRO
Andy Smith – NWRO
Laura Inouye – HQ
Loree' Randall – HQ
Raman Iyer – NWRO
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